

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re VEECO INSTRUMENTS, INC. SECURITIES LITIGATION	X : : X X	Case No.: 7:05-md-01695 (CM)
THIS DOCUMENT RELATES TO ALL ACTIONS	: : X	

**PLAINTIFFS' PROPOSED VOIR DIRE**

**I. GENERAL (ATTITUDES)**

1. Do you think we have some problems with our legal system in this country?
  - a. What are the problems?
  - b. What should we do about it?
2. "People are too quick to blame someone else for their own poor decisions, mistakes, or problems."
  - a. Who agrees with that statement?
  - b. What kinds of experiences have led you to this belief?
3. Raise your hand if you believe lawsuits are costing us all too much money?
  - a. What is your experience with this?
  - b. What are some examples you can think of?
4. Some people have a negative opinion of our justice system. They tend to think lawyers are greedy and juries award too much money. Do you tend to agree or disagree?
5. Have you ever known anybody who brought a lawsuit?
  - a. What did you think of the lawsuit?
  - b. What was the outcome?
  - c. Did you think justice was served?
6. Have you ever known anybody who was being sued?
  - a. Tell us about that.

- b. Did you think they deserved it?
  - c. What was the outcome?
  - d. Do you think justice was done?
- 7. Have you ever been involved in a class action lawsuit?
  - a. Tell us about that?
  - b. Do you think that justice was done?
  - c. What are your general impressions of class action lawsuits?
- 8. What television shows do you regularly watch?

## II. DAMAGES

- 1. There has been a lot of controversy lately about jury verdicts. Some people think juries are awarding too much money to people who do not deserve it. Others believe that most of the time juries do the right thing.
  - a. What do you think?
- 2. The law says that if the evidence proves it, the plaintiffs are entitled to money damages for financial loss. Does anyone just not like that law, or think they might have a hard time applying that law?

## III. BACKGROUND IN ACCOUNTING

- 1. Raise your hand if you have a checking account. Now keep your hands raised if you balance it every month. For those with your hands up, do you enjoy balancing your checkbook or is it a chore?
- 2. Raise your hand if you have ever taken any business or accounting classes.
  - a. What were they?
  - b. Why did you take them?
  - c. Do you use that education or training in your job?
- 3. Have you or has anyone close to you ever worked in the accounting profession or for an accounting firm?
  - a. Tell me about that.
  - b. What specifically did you do?
  - c. Who did you (they) work for?
- 4. Have you ever heard the term GAAP, that is, Generally Accepted Accounting Principles? What do you know about GAAP?

#### IV. CORPORATIONS

1. How many of you have worked, or currently work, for a large corporation?
  - a. Tell me about your job.
2. Have you ever worked for a company where (a) questions were raised about how the company reported its earnings or (b) the company got into financial trouble?
3. What is your overall opinion of the ethics and honesty of:
  - a. Large corporations
  - b. High level corporate executives
  - c. Members of Boards of Directors
4. Anyone think maybe companies and professionals are becoming victims to unfair lawsuits?
5. Does anyone think upper management in a corporation cannot know what is going on in all departments?
  - a. Where do you draw the line? What should upper management know about?  
Can you give an example?
6. Who's heard of corporate scandals over the last few years involving companies like Enron, WorldCom and Arthur Andersen? What do you think about cases like this?
7. Is anyone concerned that corporations have become easy targets for litigation. Investors that lost money go after corporations just because they're easy targets now?
8. Have you ever worked for a company where (a) questions were raised about how the company reported its financial information or (b) the company got into financial trouble?

#### V. INVESTMENTS

1. Other than a savings account or a home, who has made other kinds of investments?
  - a. What types of investments (stocks, bonds, joint venture, etc)?
  - b. Do/did you use a broker?
  - c. Does the broker invest the money for you or do you pick the investments?

- d. How would you describe this experience?
- e. To those of you who have not invested, why not?
- 2. How risky is it to invest in the stock market?
  - a. Why is it a risk?
- 3. Who believes, when investing in stocks, it's 'buyer beware'?
  - a. Why?
  - b. How much of a risk does the buyer carry?
- 4. Do you agree with the following statement, "Investing in a [stock] is like gambling."?  
Why or why not?
- 5. If you have ever lost money on an investment, who or what do you blame for your loss?
- 6. Have you or anyone close to you been the victim of fraud?

Respectfully submitted

**BERGER & MONTAGUE, P.C.**



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